

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF MEETING
NOVEMBER 1, 2005**

CALL TO ORDER

The regular meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Committee members present were, Tony Sagami, Dennis Rea, Mark Hash, Gina Klempel, and Scott Hollinger. Traci Sears-Tull, Kirsten Holland and Jeff Harris represented the Flathead County Planning & Zoning Office (FCPZ).

There were approximately 15 people in the audience.

**APPROVAL OF
MINUTES**

Hollinger made a motion seconded by Klempel to approve the September 6, 2005 minutes.

ROLL CALL

On a roll call a vote the motion passed unanimously.

**CONDITIONAL USE
PERMIT/WILLIAM
WINDERS**

A request by William Winders for a Conditional Use Permit to allow for the construction of a mini-storage unit and recreational vehicle storage facility within the Lakeside Zoning District. The property is located at 125 Stoner Creek Road in Lakeside.

STAFF REPORT

Traci Sears-Tull of the Flathead County Planning & Zoning Office reviewed Staff Report FCU-05-27 for the Board.

BOARD DISCUSSION

The Board listened to public comment from four (4) adjoining property owners. The Board discussed their concerns regarding the lighting of the storage facilities as well as the increase in traffic, the building heights, and the hours of operation. Condition #4 was modified so that it reads, "The applicant will utilize the minimum lighting needed, for security purposes as approved by the Flathead County Planning and Zoning Office." Condition #7 will restrict the building heights to one story, fifteen (15) feet. Conditions #18 was added to restrict the hours of operation from 7:00 am to 7:00 pm M-F and Saturday and Sunday from 7:00 am to 10:00 pm. Condition #19 was added to state that security locks shall be in place to restrict potential criminal activity.

MOTION

Hash made a motion seconded by Hollinger to adopt Staff report FCU-05-27 as finding of fact with amended conditions and grant the Conditional Use Permit.

ROLL CALL

On a roll call vote the motion passed 4-1 with Rea dissenting.

**CONDITIONAL USE
PERMIT/JTL**

A request by JTL Group, Inc. for a Conditional Use Permit to locate a concrete batch plant immediately southeast of and adjacent to the Flathead River, east of Kalispell on Montana Highway 35. The applicant is currently in possession of a Conditional Use Permit (FCU-05-18) on a site established prior to the Open Cut Mining Act, (Pre-Law site). Condition #31 states: "JTL will submit an application for location of the drive-through concrete batch plant on the 1986 permit area within one year of receipt of this permit." This Conditional Use Permit, if approved, will replace FCU-05-18 and approve a concrete batch plant on the 1986 site with all conditions attached to FCU-05-18, thereby prohibiting the concrete batch plant located at the Pre-Law site. The property is located within the West Side (AG-80) Zoning District.

STAFF REPORT

Kirsten Holland reviewed Staff Report FCU-05-28 for the Board.

BOARD DISCUSSION

The Board listened to public comment from Jerry Nix and Todd Spangler. Their concerns were taken into consideration by the Board as they amended Condition #1 and #7 and struck Condition #9 from the Staff report.

MOTION

Sagami made a motion seconded by Hash to adopt Staff report FCU-05-28 as finding of fact with amended conditions and grant the Conditional Use Permit.

ROLL CALL

On a roll call vote the motion passed unanimously.

**ZONING
VARIANCE/RAWLINGS**

A request by John and Souheir Rawlings for a zoning variance to their property located in the Blanchard Lake AG-40 (Agricultural, 40 acres) Zoning District. Specifically the variance would be to Section 3.05.040 in the Flathead County Zoning Regulations which require a forty (40) acre minimum lot size. The applicants wish to legally deed a house and land to their daughter who lives on the property, and has since before zoning regulations went into effect. The property is located at 2555 KM Ranch Road.

STAFF REPORT

Kirsten Holland reviewed Staff Report FZV-05-06 for the Board.

BOARD DISCUSSION

The Board listened to public comment from two (2) of the adjoining property owners, who expressed they are in support of this proposal. The Board discussed the fact that the home was built on the property prior to zoning in this district, and there was a Contract for Deed, executed in 1979, allowing the parcel to be divided into a maximum of three parcels. The Board also discussed whether this would set a precedence for others to apply for a Zoning Variance, to avoid Subdivision

review.

MOTION

Hollinger made a motion seconded by Sagami to adopt Staff Report FZV-05-06 as finding of fact, presented by the applicants' attorney, Mr. Cockrell, and grant the Zoning Variance.

ROLL CALL

On a roll call vote the motion passed unanimously.

**APPROVAL OF
MINUTES**

Hollinger made a motion seconded by Klempel to approve the October 4, 2005 minutes.

ROLL CALL

On a roll call vote the motion passed unanimously.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

The meeting was adjourned at approximately 10:45 p.m. on a motion by Rea seconded by Klempel. The next meeting will be held at 6:00 p.m. on December 6, 2005.

Dennis Rea, President

Mary Sevier, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 12/6/05